

# **REPORT OF THE COMMITTEE ON ZONING AND PLANNING**

## **Voting Members:**

Ikaika Anderson, Chair; Trevor Ozawa, Vice-Chair;  
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

---

Committee Meeting Held  
July 23, 2015

Honorable Ernest Y. Martin  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred  
Bill 49 (2015) entitled:

"A BILL FOR AN ORDINANCE RELATING TO PUBLIC MALLS,"

which passed First Reading at the June 16, 2015 Council meeting, reports as follows:

The purpose of Bill 49 (2015) is to amend the city's laws relating to the use of public malls to provide for greater flexibility for the Department of Parks and Recreation's regulation of pedestrian malls in the Downtown/Chinatown area.

The Administrator of the Liquor Commission testified that the Commission would stand on its written testimony that all such public mall events involving liquor sales and consumption will go before the full Commission for decision making, identical to the procedure currently used for street closure events held in the Chinatown area.

The Deputy Director of the Department of Parks and Recreation stated that the Parks Department would like the opportunity create permitting rules and requested that a pilot project be undertaken.

A representative of the Honolulu Police Department testified that off-duty police officers should be used to provide security at events that serve liquor, similar to the existing requirement for block parties. The HPD representative also testified that alcohol

---

## **CITY COUNCIL**

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON **AUG 5 2015**

COMMITTEE REPORT NO. **302**

# **REPORT OF THE COMMITTEE ON ZONING AND PLANNING**

## **Voting Members:**

Ikaika Anderson, Chair; Trevor Ozawa, Vice-Chair;  
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

---

Committee Meeting Held  
July 23, 2015  
Page 2

consumption should be limited to a designated area and that private security should be used to monitor consumption in that area.

Two individuals testified in opposition to Bill 49, and two individuals offered comments. Written testimony in support of the Bill was submitted by representatives of the Chamber of Commerce Hawaii and of the Fort Street Mall Business Improvement District Association. The Gateway Plaza Tenant Association and one individual submitted testimony in opposition to the Bill. One individual submitted comments and comments also were submitted by the Liquor Commission.

Your Committee considered amendments offered by Councilmember Fukunaga, the introducer of the Bill. Your Committee amended Bill 49 (2015) as follows:

- A. In Section 29-10.3(b), provides that DPR may issue permits to mall tenants for events to be held on malls in the Downtown area.
- B. Removes the language relating to events where a person or vendor sells liquor or intoxicating liquor from Section 29-10.3(b)(1).
- C. Makes miscellaneous technical and non-substantive changes.

---

## **CITY COUNCIL**

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON **AUG 5 2015**

COMMITTEE REPORT NO. **302**

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

## Voting Members:

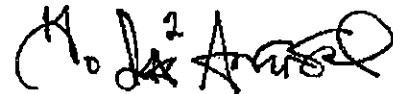
Ikaika Anderson, Chair; Trevor Ozawa, Vice-Chair;  
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

---

Committee Meeting Held  
July 23, 2015  
Page 3

Your Committee on Zoning and Planning is in accord with the intent and purpose of Bill 49 (2015), as amended herein, and recommends that it pass Second Reading and be scheduled for a public hearing, and thereafter be referred back to Committee in the form attached hereto as Bill 49 (2015), CD1. (Ayes: Anderson, Fukunaga, Kobayashi, Manahan, Ozawa – 5; Noes: None.)

Respectfully submitted,



---

Committee Chair

---

## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON AUG 5 2015

COMMITTEE REPORT NO. 302



---

A BILL FOR AN ORDINANCE

---

RELATING TO PUBLIC MALLS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the city's laws relating to the use of public malls to provide for greater flexibility for the department of parks and recreation's regulation of pedestrian malls in the downtown/Chinatown area.

SECTION 2. Section 29-10.3, Revised Ordinances of Honolulu 1990 ("Powers and duties of the department"), is amended by:

1. Amending subsection (b) to read as follows:

"(b) Permits. The department shall issue permits for the use of a particular area of a mall or malls for events, together with any activities reasonably related thereto, whenever such events promote: the safety, health and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations. The department shall determine and establish by rules as prescribed herein the number and boundaries of areas within each mall which shall reasonably promote the safety, health and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations. The department may issue permits to mall tenants for events to be held on malls in the downtown area.

All permits may be issued subject to the following restrictions:

- (1) That such events do not impair the health, safety and welfare of the users of the malls and of the merchants and the property owners in the malls, and do not violate any statutes, ordinances or rules or regulations having the effect of law;
- (2) No permit shall be granted for more than seven consecutive calendar days in any calendar year;
- (3) No permit shall be issued for more than one event in a particular area of a mall during a given period; provided, that several areas of a mall or malls may be used concurrently for such event;



---

A BILL FOR AN ORDINANCE

---

- (4) No permit shall be issued to any person for an event in a particular area of a particular mall more than once during a calendar year; provided, that any events sponsored by merchants shall be done collectively as an association of merchants and not individually; and provided further, that any person who has the privilege of using a particular mall during a calendar year as provided herein, may submit another application, and the department may issue a permit to such person if there are no conflicts in the use of the malls granted to other permittees, or no applicant has submitted a request for the use of the malls for the date or period requested by such prior user of the mall; and
- (5) A security deposit will be required for each day of use for the purpose of cleaning up the malls if a permittee fails so to do, or as reimbursement for any damage to plants or other property of the city or to any private property fronting or situated alongside the malls. Such deposit shall be returned to the applicant if the foregoing situations have not occurred; provided, that if such deposit has been held for more than a month, interest at the prevailing rate on a month to month basis shall be paid by the city.

The department shall establish monetary deposit schedules based on the number of people utilizing a specific area for which a permit has been issued, the term of the permit and the type of activity; if a permittee charges admission to the permittee's functions or activities, the director shall require that the permittee obtain a public liability insurance policy which names the City and County of Honolulu as an insured party."

2. Amending subsection (e) to read as follows:

- "(e) Newsstands, Public Telephone Enclosures, Dumpsters and so forth. The department shall confer with the director of [finance] budget and fiscal services relative to permits and placement of newsstands, public telephone enclosures, freight elevators, freight chutes, and curbside tellers, all of which are under the jurisdiction of the director of [finance] budget and fiscal services as provided in Article 8 of this chapter. The department, in consultation with the department of [land utilization,] planning and permitting, may allow the temporary placement of dumpsters on a mall during a period of construction, where the city has entered into a development agreement for construction on the mall and where the establishments abutting the mall cannot accommodate the dumpster on their property during the period of construction. For events that take place on malls in the downtown/Chinatown area, the department, in consultation with event



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **49 (2015), CD1**

---

**A BILL FOR AN ORDINANCE**

---

organizers, shall determine the necessity of temporarily placing portable toilets, at the expense of the event organizers, on those malls during the events for purposes of the safety, health and welfare of the public."

SECTION 3. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring, the brackets or the bracketed material.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 49 (2015), CD1

---

**A BILL FOR AN ORDINANCE**

---

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

June 10, 2015  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu